



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**GABRIEL JOHNSON**

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§

**CASE NO. 9:00-CR-20(1)**

**MEMORANDUM ORDER ADOPTING  
FINDINGS OF FACT AND RECOMMENDATION ON PLEA OF TRUE**

The Court referred this matter to United States Magistrate Judge Keith F. Giblin, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas. In accordance with 18 U.S.C. § 3401(I) and 18 U.S.C. § 3583(e), Judge Giblin held a hearing and submitted findings of fact and a recommendation on the revocation of Defendant's supervised release.

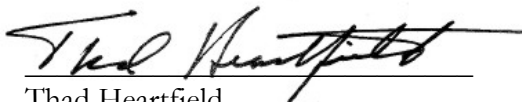
Having conducted the proceedings in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and 18 U.S.C. § 3583, the magistrate judge issued his *Findings of Fact and Recommendation on Plea of True* [Clerk's Doc. 86]. The magistrate judge recommended that the Court revoke Defendant's supervised release and impose a term of imprisonment for the revocation to be served consecutive to defendant's current term of state imprisonment in Case No. 241-2097-07, with no additional supervision to follow.

Defendant waived his right to be present and allocute at sentencing. However, Defendant filed *Defendant's Statement of Factual Inaccuracies and Omissions* (Clerk's Doc. 87), seeking to correct one sentence in the report, reciting government's counsel's averment that "Defendant will be up for parole in a few months." *Findings of Fact and Recommendation*, Section C: "Evidence presented at hearing." Defendant seeks to correct that statement as follows: "TDCJ records indicate that the Defendant is not eligible for parole until April, 2011." *Defendant's Statement of Factual Inaccuracies and Omissions* (Clerk's Doc. 87). Defendant does not otherwise object to the magistrate judge's recommendation.

Defendant's proffered correction does not alter the magistrate judge's reasoning for his recommendation. See *Findings of Fact and Recommendation on Plea of True*, p. 6. Accordingly, after review, the Court concludes that the *Findings of Fact and Recommendation* should be accepted.

It is **ORDERED** that the *Findings of Fact and Recommendation on Plea of True* [Clerk's Doc. 86] of the United States Magistrate Judge are **ADOPTED**. The Court finds that Defendant, Gabriel Johnson, violated conditions of his supervised release. The Court accordingly **ORDERS** that the Defendant's term of supervision is **REVOKED**. Pursuant to the magistrate judge's recommendation, the Court **ORDERS** Defendant to serve a term of thirty (30) months imprisonment for the revocation to be served consecutive to Defendant's current term of state imprisonment in Case No. 241-2097-07, with no further supervision to follow.

**SIGNED** this the 22 day of **January**, 2010.

  
Thad Heartfield  
United States District Judge